

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 7648 OF 1993

For Approval & Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
  2. To be referred to the reporters or not ?
  3. Whether their lordships wish to see the fair copy of the judgment ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
  5. Whether it is to be circulated to the Civil Judge?

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FISHERIES DEPT EXE.TECH.EMP. ASSN. & ORS.  
VERSUS  
STATE OF GUJARAT & ORS.

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Appearance:

MRS SANGEETA PAHWA for Petitioners  
MR HH PATEL for Respondents

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Coram: MR.JUSTICE S.K. Keshote,J  
Date of decision : 15/10/1999

C.A.V. JUDGMENT

#. The learned counsel for the petitioners prays for

adjournment of this matter. This Special Civil Application is of the year 1993 and I fail to see any justification in this request of the learned counsel for the petitioners. Otherwise also, in view of the order which I propose to pass in this Special Civil Application, I do not consider it to be in the interest of justice also to grant this prayer of the learned counsel for the petitioners.

#. Perused the Special Civil Application and heard the learned counsel for the parties.

#. The petitioner No.1 - Fisheries Department Executive Technical Employees Association with two other members of it, filed this writ petition and prayed for the following reliefs:

- (A) To declare the entries 43 and 47 under the heading "Ports and Fisheries Dept." in Gujarat Civil Service (Revision of Pay) (Amendment) Rules, 1991 as ultra vires to Articles 14 and 16 of the Constitution of India
- (B) To issue a writ of mandamus or any other appropriate writ, direction or order of this Hon'ble Court and further to direct the respondents to place the cadre of the Fisheries Officer in the matter of pay scale at par with the pay scale of the corresponding cadres of the other Department i.e. Rs.1640-2900
- (C) To issue a writ of mandamus or any other appropriate writ, direction or order of this Hon'ble Court and further to quash and set aside the decision of the respondents of merging both the cadres i.e. Fisheries Officer and Fisheries Assistant into one cadre of Fisheries Officer
- (D) To direct the respondents to place the cadre of Fisheries officer in the matter of pay scale at par with the pay scale of the corresponding cadres of other Department i.e. Rs.1640-2900, pending the admission, hearing and final disposal of this petition
- (E) To stay the implementation, execution and operation of the decision of the respondents of merging both the cadres i.e. Fisheries Officer and Fisheries Assistant into one cadre of Fisheries Officer, pending the admission, hearing and final disposal of this petition

#. It is the grievance of the petitioners that the officers in the Fisheries Department are placed in the pay scale of Rs.1400-2600 instead of 1640-2900 though in other Departments the officers of this pay scale were placed in the revised pay scale of Rs.1640-2900. Next grievance is that earlier this was a post of promotion from the feeder cadre Fisheries Assistant and those persons have been also put in the same pay scale. This has been done under the Gujarat Civil Services (Revision of Pay) Rules, 1987.

#. For this grievance, this writ petition in the year 1993 is appreciable, but it cannot be entertained and decided for the reason that the Finance Department, Government of Gujarat, vide its Resolution No.PGR-1098-34-M, dated 20th May 1998, has decided to constitute a pay anomaly committee to examine representations of pay anomalies and allied matters of the employees of the State Government. Clause-3 of this Resolution gives out the terms of reference of the Committee and it is mentioned that anomalies arising out of the Gujarat Civil Services (Revision of Pay) Rules, 1987. As now this Committee is working for removal of anomalies this writ petition deserves to be dismissed only on this ground. The petitioners are at liberty to file, if already they have not filed, a detailed representation to that Committee and as the matter falls within the terms of reference, it will take care of the matter.

#. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. No order as to costs.

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[sunil]